

JUL 8 2002

**Before the State of South Carolina
Department of Insurance**

STATE OF SOUTH CAROLINA
DEPARTMENT OF INSURANCE
/s/

In the matter of:

SCDI File Number 2002-112474

Regina O. Nix,

1704 Pamela Drive
Richmond, Virginia 23229

**Consent Order
Imposing Administrative Penalty
And Allowing Licensure**

This matter comes before me pursuant to an agreement entered into between the State of South Carolina Department of Insurance and Regina O. Nix, an applicant for licensee as a State of South Carolina nonresident insurance adjuster.

In March 2002, Nix submitted an application for an Insurance Adjuster's License. The application was denied because South Carolina Department of Insurance records reflect on September 15, 1999 that Nix's adjuster's license was revoked for failure to timely advise the Department of a change in her residential address. On her Application for Adjusters and Motor Vehicle Physical Damage Appraisers License she responded "No" to question two, "Have you ever been fined or been the subject of any disciplinary action, including suspension, cancellation, revocation, or refusal/denial by any insurance department, governmental regulatory entity, or other licensing authority?" Nix contends that she read into the question and thought that it was speaking of actual criminal activity, her failure to disclose this information to the Department was inadvertent and not an effort to circumvent the insurance laws of this State.

Nix was informed of her statutory privilege to request a public hearing to appeal the denial of the Application pursuant to the provisions of S. C. Code Ann. § 38-43-130 (Supp. 2001). Subsequently, however, the parties agreed, rather than proceeding toward a formal public hearing, to submit the entire matter to me, along with the specific recommendation, for my summary decision based solely on the record. That recommendation was that Nix would waive her right to a public hearing, pay a negotiated and consensual administrative fine of \$300, and submit a new, properly completed application to the Department with the appropriate response to question two.

S.C. Code Ann. §§ 38-47-10 (2001) require a candidate for licensure as a State of South Carolina nonresident adjuster to "have not violated the insurance laws of the state, and is a fit and proper individual for the position." S.C. Code Ann. § 38-7-140 (Supp. 2001) makes it unlawful to fail to provide required information or to supply false or fraudulent information to the Department with the intent to evade a requirement of the State's insurance laws, the failure to disclose a revocation on an application could demonstrate untrustworthiness or lack of moral character.

_____ Regina O. Nix

After a thorough review of the record, carefully considering the recommendation of the parties, and in accordance with my findings of fact, I now conclude, as a matter of law that Nix failed to disclose her revocation on the application. This violation of South Carolina's insurance laws casts doubt on her character and trustworthiness. I can, therefore, deny her application to be licensed as a South Carolina nonresident adjuster.

However, under the discretionary authority provided to me by the General Assembly within S.C. Code Ann. Section 38-2-10 (2) (Supp. 2001), I hereby allow Nix to become licensed as a nonresident adjuster and impose on her, as a precondition to her license, an administrative fine in the total amount of \$300, which must be paid within ten days of receipt of this consent order. I also hereby require, as a precondition to Nix's licensure, that she submit a new, properly completed application on her behalf.

The parties have reached this agreement in consideration of Regina O. Nix's good faith attempt to comply with the statutory requirements of this state and her assurance that in the future she will comply with the state's insurance laws, particularly providing accurate information in a timely manner. The parties expressly agree and understand Regina O. Nix's payment of the agreed-upon penalty constitutes full accord and satisfaction of this matter.

By her signature upon this consent order, Nix acknowledges that she understands this administrative disciplinary order is a public record subject to the disclosure requirements of the State of South Carolina's *Freedom of Information Act*, S.C. Code Ann. §§ 30-4-10, *et seq.* (1991 and Supp. 1998). Nothing contained in this administrative disciplinary order should be construed to limit, or to deprive any person of, any private right of action under the law. Nothing contained in this administrative disciplinary order should be construed to limit, in any manner, the criminal jurisdiction of any law enforcement or judicial officer. Nothing contained in this administrative disciplinary order should be construed to limit the statutory duty, pursuant to S.C. Code Ann. § 38-3-110 (4) (Supp. 1998), of the Director of Insurance, exercised either directly or through the Department to "report to the Attorney General or other appropriate law enforcement officials criminal violations of the laws relative to the business of insurance or the provisions of this title which he considers necessary to report."

It is therefore; ordered that Regina O. Nix shall within ten days of receipt of this consent order, pay through the Department an administrative fine in the total amount of \$300.

It is further ordered that a copy of this consent order shall be transmitted to the National Association of Insurance Commissioners for distribution to its member states and a copy be placed in Regina O. Nix's licensing file.

This consent order becomes effective as of the date of my signature below.

_____ Regina O. Nix



Ernst N. Csiszar
Director

^{July}
June 8, 2002 at
Columbia, South Carolina

I CONSENT:



Regina O. Nix
1704 Pamela Drive
Richmond, Virginia 23229

Dated this 28th day of June, 2002